

REMARKS

In the Office Action of August 9, 2007, claims 1-6, 8, 9, 12-17, 19, 20, 23-25 and 27 were rejected under 35 U.S.C. 102(e) as allegedly being anticipated by U.S. Patent No. 6,512,522 (“Miller et al.”). Furthermore, claims 7, 10, 11, 18, 21, 22, 26 and 28 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Miller et al.

In response, Applicant has amended the independent claims 1, 12 and 23 to more clearly distinguish the claimed invention from the cited reference of Miller et al. As amended, the independent claims 1, 12 and 23 are not anticipated by the cited reference of Miller et al., as explained below. In view of the claim amendments and the following remarks, Applicant respectfully requests that the independent claims 1, 12 and 23, as well as the dependent claims 2-11, 13-22 and 24-28, be allowed.

A. Patentability of Independent Claims 1, 12 and 23

The Office Action has rejected the independent claims 1, 12 and 23 under 35 U.S.C. 102(e) as allegedly being anticipated by Miller et al. In response, Applicant has amended the independent claims 1, 12 and 23 to more clearly distinguish the claimed invention from the cited reference. As amended, the independent claim 1 recites in part *“said graphical and functional information including physical positional changes of said graphic elements, physical state changes of said graphic elements and actions caused by said graphic elements when said graphic elements are user-activated, said graphical and functional information further including relationships between some of said graphic elements, said relationships including parent-child relationships between said graphic elements.”* The cited reference of Miller et al. does not disclose such limitations of the amended independent claim 1. Thus, the amended independent claim 1 is not anticipated by the cited reference of Miller et al.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal*

Bros. v. Union Oil of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

The cited reference of Miller et al. discloses a method and computer system for producing three-dimensional animation of alphanumeric characters and a graphical user interface for displaying three-dimensional animated alphanumeric characters. The Office action on page 3 states that the cited reference of Miller et al. discloses said graphical and functional information including “actions caused by said graphic elements (column 2, lines 48-58).” However, the cited reference of Miller et al. in column 2, lines 48-58, does not disclose any actions caused by graphic elements when the graphic elements are user-activated. Thus, the cited reference of Miller et al. does not disclose the limitations of “*said graphical and functional information including physical positional changes of said graphic elements, physical state changes of said graphic elements and actions caused by said graphic elements when said graphic elements are user-activated*,” as recited in the amended independent claim 1.

Furthermore, the cited reference of Miller et al. does not disclose recording any relationships between graphic elements. Thus, the cited reference of Miller et al. does not disclose the limitations of “*said graphical and functional information further including relationships between some of said graphic elements, said relationships including parent-child relationships between said graphic elements*,” as recited in the amended independent claim 1. Since the cited reference of Miller et al. does not disclose each element of the amended independent claim 1, Applicant respectfully asserts that the amended independent claim 1 is not anticipated by the cited reference of Miller et al., and requests that the amended claim 1 be allowed.

The above remarks are also applicable to the amended independent claims 12 and 23, which now recite similar limitations as the amended independent claim 1. Therefore, Applicant respectfully asserts that the amended independent claims 12 and 23 are also not anticipated by the cited references of Miller et al., and requests that the amended claims 12 and 23 be allowed.

B. Patentability of Dependent Claims 2-11, 13-22 and 24-28

Each of the dependent claims 2-11, 13-22 and 24-28 depends on one of the amended independent claims 1, 12 and 23. As such, these dependent claims include all the limitations of their respective base claims. Therefore, Applicant submits that these dependent claims are allowable for at least the same reasons as their respective base claims.

As an example, the dependent claim 2 recites “*wherein said recording includes extracting said graphical and functional information of said graphic elements from broadcast messages and saving said graphical and functional information as recording data.*” The Office Action on page 3 alleges that the cited reference of Miller et al. discloses such limitations in column 2, lines 59-62. However, the cited reference of Miller et al. does not disclose any broadcast messages from where the graphical and functional information of the graphic elements are extracted. Thus, the cited reference of Miller et al. does not disclose “*wherein said recording includes extracting said graphical and functional information of said graphic elements from broadcast messages and saving said graphical and functional information as recording data,*” as recited in the dependent claim 2. As such, the dependent claim 2 is not anticipated by the cited reference of Miller et al. These remarks are also applicable to the dependent claims 4 and 5, since these dependent claims include limitations with respect to broadcast messages.

Applicant respectfully requests reconsideration of the claims in view of the remarks made herein. A notice of allowance is earnestly solicited.

Respectfully submitted,

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